

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JOHN W. NELSON,)	Case No.: 8:17-cv-00053
)	
Plaintiff,)	
vs.)	COMPLAINT
)	
KEITH E. SPOHN and)	(Vehicular Negligence and Request
SPOHN FARMS, INC.)	for Trial by Jury)
)	
Defendants.)	

For his claim against defendants, plaintiff, JOHN W. NELSON alleges and states as follows:

1. Plaintiff is a citizen and resident of Clare, Clare County, Michigan.
2. Defendant, KEITH E. SPOHN, is a citizen and resident of Friend, Saline County, Nebraska.
3. Defendant SPOHN FARMS, INC., ("SFI") is a Nebraska Corporation with its principal place of business in Friend, Saline County, Nebraska.
4. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C section 1332 and jurisdiction and venue therefore lies with this Court because of the amount in controversy and diversity of citizenship between the plaintiff and defendants.
5. On November 11, 2014, at or near County Roads 600 and C in Saline County, Nebraska, defendant, KEITH E. SPOHN negligently drove a motor vehicle which struck the plaintiff.
6. At all times relevant herein, KEITH E. SPOHN was an agent, servant, employee or apparent agent of SFI acting in the course and scope of his agency, service or employment by or with SFI. The negligent acts and/or omissions of KEITH E. SPOHN are imputed to SFI as a

matter of law and SFI is therefore vicariously liable for all such acts and/or omissions of KEITH E. SPOHN.

7. KEITH E. SPOHN owed a duty to plaintiff to use reasonable care in the operation of the motor vehicle he was operating on November 11, 2014, to prevent a collision with and injury to the plaintiff.

8. KEITH E. SPOHN breached his duty to use reasonable care in the operation of the motor vehicle he was operating because he negligently:

- a. Failed to observe plaintiff on the roadway;
- b. Failed to have his motor vehicle escorted by a pilot vehicle;
- c. Failed to sound his horn or warn the plaintiff of his presence;
- d. Drove the motor vehicle to the left of center of the roadway on which he and the plaintiff were traveling and was otherwise negligent in a manner not presently known to plaintiff.

9. As a direct and proximate result of the above-described negligence of defendants, plaintiff suffered severe physical and/or emotional injuries as well as past and future medical expenses. The nature and extent of plaintiff's injuries are not fully known.

WHEREFORE, plaintiff, JOHN W. NELSON prays for judgment against defendants in an amount in excess of the sum or value specified by 28 U.S.C section 1332; for the costs plaintiff incurs in the action and for such further relief as may be just and proper under the circumstances.

REQUEST FOR JURY TRIAL

Plaintiff hereby requests that the trial by jury of the foregoing action should be held in Omaha, Douglas County, Nebraska, and that this case be calendared accordingly.

DATED this 22nd day of February, 2017.

JOHN W. NELSON, Plaintiff

By: s/ Edward W. Hasenjager
Edward W. Hasenjager, #11737
206 S. 44th Street
Omaha, NE 68131
(402) 342-7161 (Telephone)
(402) 342-7162 (Facsimile)
ATTORNEY FOR PLAINTIFF